

08-053381

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In Re:

Chapter 13 Case:

Case Number BKY 08-60888-DDO

Carol Braucks, fka Carol Coleman fka Carol  
Pechtl,

Debtor

**ORDER**

This case is before the court on the motion of GMAC Mortgage, LLC servicer for TCF National Bank, for relief from the automatic stay.

Based on the agreement of the parties,

IT IS ORDERED: The Motion is denied upon the following conditions:

1. The debtor will pay GMAC Mortgage, LLC the amount of \$2,500.00 on or before June 22, 2010 which represents a portion of the post-petition arrearages and attorneys fees and costs in the total amount of \$6,573.92. Said total amount consists of post-petition payments for the months of March 1, 2010 through June 1, 2010 in the amount of \$1,387.97 each; late charges of \$55.51 per month for March 15, 2010 through June 15, 2010 and attorney's fees and costs in the amount of \$800.00.
2. The debtor will pay the July 1, 2010 mortgage payment of \$1,387.97 each and on time, until further noticed, and all subsequent payments when due, and will pay an extra installment amount of \$678.98 per month from July 15, 2010 through December 15, 2010 and will continue to pay each consecutive month thereafter until paid in full.
3. In the event that this case converts to a chapter 7, this would constitute a breach of agreement and upon filing an affidavit that the loan is not paid current contractually, the movant is entitled to an order for relief from the stay without further notice.
4. All payments to be applied towards arrearages must be in the form of cash or certified funds made payable to:

**GMAC Mortgage, LLC  
1100 Virginia Drive  
P.O. Box 8300  
Fort Washington, Pennsylvania 19034**

If the arrearages are not cured by said date, or in the event debtor again become delinquent in any payments due under the terms of the note and mortgage, or in debtor's plan, and such default remains uncured following ten days' written notice from the date sent by first class mail to the debtor and counsel for debtor, and upon GMAC Mortgage, LLC servicer for TCF National Bank's filing of an affidavit establishing debtor's default and failure to cure, the court may enter an order terminating the stay with respect to GMAC Mortgage, LLC servicer for TCF National Bank to permit GMAC Mortgage, LLC servicer for TCF National Bank, and its successors or assigns to foreclose that mortgage dated June 17, 2003, between Harold R. Coleman, a single adult, mortgagor and Bankvista, mortgagee, in the original principal amount of \$171,360.00, which was filed in the office of the County Recorder, on June 27, 2003, as document number 301689, regarding certain land located in Benton County, Minnesota, described as follows:

Lot eight (8), Block two (2) of Fieldcrest Estates, Benton County, Minnesota,

there existing cause to terminate the stay, including lack of adequate protection. The debtor is not allowed more than two defaults of this order, and upon a third default, GMAC Mortgage, LLC servicer for TCF National Bank may file an affidavit, without serving a ten day default letter, establishing debtor default and that it is the third such default, and the court may enter an order terminating the stay.

Dated: June 22, 2010

BY THE COURT:

/e/ Dennis D. O'Brien

UNITED STATES BANKRUPTCY JUDGE

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on <b>06/22/2010</b> Lori Vosejpka, Clerk, By DLR, Deputy Clerk
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